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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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|-----------------|-------------|----------------------|---------------------|------------------|

10/769,013

01/30/2004

Scott B. Davis

IS01103TC/FLE
MOTA:0004

7970

7590

05/31/2006

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| EXAMINER |
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ARTHUR JEANGLAUD, GERTRUDE

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| ART UNIT | PAPER NUMBER |
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3661

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/769,013

Applicant(s)

DAVIS, SCOTT B.

Examiner

Gertrude Arthur-Jeanglaude

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 12-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Ross et al. (U.S. Pub No. 20040203919).

As to claims 1, 21, Ross et al. disclose a telematics assembly comprising an input device configured to receive an arbitrary code pre-assigned to correspond to a point of interest (POI) (See paragraph 0039); a communication device configured to initiate communication with a database having data related to the POI in response to the code (See paragraph 0025, 0029; page 6, second column at claim 13); and a receiving device configured to receive the data related to the POI from the database (See paragraph 0036).

As to claims 2, 10, 15, Ross et al. disclose the receiving device comprises a display configured to present the data related to the POI visually (See unit 170).

As to claim 3, Ross et al. disclose a positioning device (GPS) configured to provide the location of the telematics assembly (See paragraph 0020).

As to claims 4-5, 12, 16-17, 22-23, Ross et al. disclose the communication device is configured to communicate with a wireless network and the database is accessible via the wireless network (See paragraph 0022; Fig.3).

As to claims 6-7, Ross et al. disclose a data storage device wherein the database is maintained on the data storage device and is configured to communicate wirelessly with at least one of the input device and the receiving device (See paragraph 0034).

As to claim 8, Ross et al. disclose a telematics system for use by an individual comprising an input device configured to receive an arbitrary code pre-assigned to correspond to a point of interest (POI) for facilitating transmittal of a request to a database having information about a location of the POI (See paragraph 0039), the database being configured to provide the information about the location of the POI in response to the request; a receiving device configured to receive the information about the location of the POI from the database (See paragraph 0025, 0036); a navigation device configured to determine a location of the individual to provide output data comparative of the location of the individual and the location of the POI; and an output device (display) configured to present the output data to the individual (See Fig.1).

As to claims 9, 19-20, 25-26, Ross et al. disclose the navigation device is configured to determine at least one route for travel between the location of the individual and the location of the POI (See paragraph 0006).

As to claim 13, Ross et al. disclose the network provides a link to a remote processor configured to develop the output data (See paragraph 0023-0024; Fig.2).

As to claim 14, Ross et al. disclose a telematics system for use by an individual comprising a vehicle (See paragraph 0019); and a navigation system located in the vehicle comprising an input device configured to receive an arbitrary code pre-assigned to represent a point of interest (POI) for facilitating transmittal of a request to a database having data related to the POI, the database being configured to provide the data related to the POI in response to the request; (See paragraph 0030,

As to claim 18, Ross et al. disclose the data related to the POI includes a location of the POI, and wherein a server is configured to provide to the receiving device output data comparative of the location of the vehicle and the location of the POI (See paragraph 0063).

As to claims 24, 27-34, Ross et al. disclose a method of obtaining information regarding a point of interest and a computer program on a tangible medium the program being configured for use with a telematics device in communication with a database having data regarding a point of interest comprising inputting an arbitrary code pre-assigned to represent a POI into a telematics device comprising inputting an arbitrary code preassigned to represent a POI (See paragraph 0046, 0056, page 6 at claim 13); Ross et al. disclose a specific point of interest (location of interest) and have the system provide a direction (travel direction between the POI and the telematics device) (See Paragraph 0006).

Response to Arguments

Applicant's arguments with respect to claims 1-10, 12-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GAJ


GERTRUDE A. JEANGLAUDE
PRIMARY EXAMINER

May 26, 2006